Grand Jury Meets to Indict Conley

Call Is Issued After Solicitor General Hugh Dorsey Had Flatly Refused Request of Foreman.

A call for the Fulton grand jury to meet at 10 o'clock Monday to take steps leading to the indictment of James Conley, the negro sweeper of the National Pencil factory who accuses Leo M. Frank, its superintendent, of the Mary Phagan murder was issued yesterday by Foreman W.D. Beattie after Solicitor General Hugh M. Dorsey had flatly refused the foreman's request to call the meeting.

The move to indict Conley is wrong and should not be made, the solicitor told the grand jury foreman when discussing the matter with him and the call which went out was over the head of the state's legal representative in Fulton county.

Smith Attacks Action

[…] representative of Conley declared in a statement which he issued Friday afternoon that the indictment of Conley would probably follow the meeting and he also attacked the members of the grand jury for their action in taking this move against the advice of the solicitor.

Solicitor Dorsey issued the following statement in regard to the meeting.

Its only purpose will be to exploit the evidence and embarrass the state and I hope the grand jury when it meets will decide to leave the matter alone.

The indictment of Conley at this time will be a useless procedure that will not stop the trial of Frank. It will only have a mild but undesirable effect on the state's case.

Conley is in jail and is going to stay there for some time. He is where the authorities can put their hands on him and he can be indicted much more properly after the Frank case has been disposed of than before and by the delay there is no danger of a miscarriage of justice.

Will Aid the Defense

Should Conley be indicted it is positive that the solicitor will not allow him to go to trial before the final disposition of the Frank case which is set for trial Monday week but the attorneys who represent Frank would probably get before the court the fact that Conley is under indictment for the time for which they will be defending Frank. This and the fact that it will appear to the jury that Conley, in swearing against Frank, will be influenced to a greater or lesser degree by a desire to save his own neck, would greatly aid the defense.

When the grand jury meets Monday to take up the investigation of Conley it will be the first time in the history of the county that a grand jury has gone directly against the advice of the solicitor who is paid by the state as their legal adviser.

Solicitor Dorsey will also be compelled to produce what evidence he has in the case, should the grand jurors request such action.

Attorney Smith's Statement

The statement as issued by Attorney Smith on behalf of Conley is as follows:

I notice Foreman Beattie has called the grand jury to meet Monday. When they meet I would like for them to first investigate the movement that seems to have stirred their enthusiasm. I wish the press could afford to publish what I have the nerve to say about this latest move.

If they meet, I do not doubt they will indict Jim all right. If they get up inspiration enough to run over the state's sworn counsel in getting together they can see their way to indict.

Jim Conley has been dealing fairly with the state of Georgia. His story has been an open book to the sworn trusted prosecuting officers of this state. He is not skulking coward-like behind the protection of iron bars nor have his lips been sealed with lamb-like silence until he can spring suddenly in a court a well-prepared statement which the state has no opportunity to investigate and

disprove. Conley allows himself grilled cross examined and unceasingly questioned by the representatives of the state. He is talking and talking now. Conley says to the state of Georgia here is my story investigate it, sift it, and prove it a lie if you can.

What more could the grand jury ask? Conley is giving the state a square deal. Conley is remaining a voluntary prisoner and no honest citizen doubts that he will be held to account for his part in this terrible tragedy.

Better Leave Him Alone.

If the grand jury do not want to please Frank and his friends, if they do not want to help clear Frank, they had better leave this alone for the present. The good people of this county elected Hugh Dorsey as the solicitor general. Under the law this makes him the legal adviser of the grand jury. There is not a business man on the grand jury that does not follow in his own affairs the advice of the lawyer of character and ability to whom he goes for counsel. Let the grand jury do with the public business what they would do with their own matters, follow the advice of the sworn representative of the good people of this county.

Does the grand jury think their legal judgment or their personal integrity above that of our solicitor general? Or do they doubt the professional or private character of Hugh Dorsey? The people of this county know that Dorsey is straight, that in this case he is fighting brains money and influence. I know that he is standing for what he thinks right and with constant threats thrown at him that they will defeat him at the next election and with every handicap thrown in his way in the discharge of his duty in prosecuting a white man who has wealth and influence. It is the supreme test of a man's good character and I glory in the fact that Hugh Dorsey has those high and honorable traits of his good father and mother that enables him to know the right and knowing the right to dare to do it.

WILLIAM M. SMITH.